

In order to be fully responsive, Applicants hereby elect SEQ ID NO:178 from Group 1 and SEQ ID NO:50 from Group 2, with traversal.

With respect to the Examiner's requirement that Applicants elect a single receptor and a single peptide partner and the reasons stated therefor, Applicants respectfully traverse. Even assuming, *arguendo*, that each single peptide represented distinct or independent inventions, Applicants submit that to search and examine together the subject matter of all the peptides, or at least all the peptides that bind to a given receptor, would not be a serious burden on the Examiner.

The M.P.E.P. § 803 (Eighth Edition, August 2001) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Thus, in view of M.P.E.P. § 803, all the peptides, or at least all the peptides that bind to a given receptor, should be searched and examined in the subject application. Accordingly, Applicants respectfully request that the Restriction Requirement Under 35 U.S.C. § 121 be withdrawn and the instant claims be examined in one application.

Alternatively, Applicants request that the restriction requirement be modified to group together, with respect to any given receptor and binding partner, Groups I-VIII of the Restriction Requirement dated November 3, 1999 in connection with the instant application. Thus, for each receptor-peptide pair, the Patent Office should collectively examine claims 1-21, 44 and 46-77 (drawn to the protein), claims 22-30, 40, 70, 73-74, 81-82 and 90-97 (drawn to the composition), claims 31-39 and 75 (drawn to a method of delivery), claims 41 and 71 (drawn to the chimeric protein), claims 42, 43 and 45 (drawn to the antibody), claims 48-69, 72 and 86-88 (drawn to recombinant methods), claims 76-80 (drawn to a method of testing or preventing disease), and claims 84, 85 and 89 (drawn to assay methods). Doing so would not impose an undue burden on the Examiner, as a search of the peptide sequence would identify art that relates to all these groups.

Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application.

Respectfully submitted,

Date: November 5, 2002


Adriane M. Antler 32,605
(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090